

REMARKS

This Reply is in response to a first Office action (Paper No. 7) mailed 25 September 2003.

Claims 1-49 are pending in this application.

The specification has been amended to correct errors.

I. Specification

The specification has been amended to correct a typographical error and a grammatical error.

The term "iplay" on page 2, line 2 has been corrected to "display." The term "panel" on page 5, line 10 has been corrected to "panels."

II. Claim Rejections - 35 U.S.C. § 103

Claims 1, 18, 29-43 and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong '063 in view of Kunihiro.

First, the examiner failed to establish a prima facie case of obviousness because there is no suggestion or motivation to combine two references.

The examiner asserted that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Kunihiro having two display panels which receive data bits opposite to each other, to be included in Hong's device so as motivated by Kunihiro, to be able to provide an LCD display which has no crossover wiring and applicable to chip-on-glass.

A 35 U.S.C. § 103 rejection does not allow the Examiner to pick and choose from the prior art only to the extent that it will support a holding of obviousness, while excluding parts of the prior art essential to the full appreciation of what the prior art suggests to one skilled in the art. *In re Wesslau*, 147 USPQ 391 (CCPA 1975).

Here, the examiner improperly argued that the motivation is to provide an LCD display which has no cross-over wiring and applicable to chip-on-glass.

The examiner regarded two reflection type LCDs (37, 38) of Hong '063 as a first and second panels of the present invention. Also, the examiner regarded two sheets (1, 2) of LCD of Kunihiro as a first and second panels of the present invention. In Kunihiro, two LCDs are arranged in a longitudinal direction or lengthwise (see paragraph 2 of Kunihiro) and provides a solution having no crossover wiring of a LCD electrode in such an arrangement. Where the two LCDs (37, 38) (which are regarded by the examiner as equivalents of two LCD sheets (1, 2) of Kunihiro) are not arranged in a longitudinal direction or lengthwise, why should Hong '063 be modified to include Kunihiro teaching? In other words, in order to have a motivation asserted by the examiner, two reflection type LCDs (37, 38) should be modified to have a structural arrangement (e.g., a longitudinal direction or lengthwise) as shown in Kunihiro. However, here, there is no reason to replace the arrangement of two LCDs (37, 38) with the arrangement of two sheets LCD (1, 2) of Kunihiro. The Hong '063 invention has two reflection type LCDs (37, 38) for a black-and-white signal and a color signal as shown in figure 2, and the resolution can be improved by projecting the LCD for the black-and-white signal together with the LCD for the color signal. In order to achieve

this purpose, one of two reflection type LCDs should be for a black-and-white signal and the other should be for a color signal, and the structural arrangement of two LCDs of Hong '063 should not be arranged in a longitudinal direction or lengthwise. Where there is no reason to replace two reflection type LCDs (37, 38) of Hong '063 with two sheets (1, 2) of Kunihiro and/or there is no reason to modify the arrangement of LCDs of Hong '063, there is no motivation or suggestion to modify two reflection type LCDs (37, 38) to include the teaching of the data orders of Kunihiro LCDs. Moreover, even if the replacement is made, the proposed replacement renders Hong '063 unsatisfactory for its intended purpose. (If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gorden*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Since the examiner picked and chose from the prior art only to the extent that it will support a holding of obviousness, while excluding parts of the prior art essential to the full appreciation of what the prior art suggests to one skilled in the art, the examiner's assertion is improper.

Second, Hong '063 and/or Kunihiro taken separately or in combination do not teach or suggest all the claim limitations.

As to one of the requirements to establish a *prima facie* case of obviousness, for a rejection of claims under 35 U.S.C. § 103, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See the MPEP 706.02(j) and 2143 and 35 U.S.C. § 103. "All words in a claim must be considered in judging the patentability of that claim against the prior art."

In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970).

The examiner asserted that Kunihiro teaches that one of the first or second panel receives the display data from the most significant bit and, the other panel receives the display data from the least significant bit.

The examiner's assertion is not proper for the following reasons.

The Kunihiro is related to character-type LCD units. (See the paragraph 2 of the English translation.). The segment is defined as one of the bars that make up a single character in a LCD display. The order of the bit data of the segment electrode disclosed in character-type LCD units of Kunihiro is not equivalent to the color data sequence of the present invention. Also, the sequence from most significant bit to least significant bit and/or from least significant bit to most significant bit are not disclosed in Kunihiro because each of the data of the segment electrode is similarly significant for making up a certain character.

Therefore, all the claim limitations are not taught or suggested by Hong and/or Kunihiro in combination or taken separately, the examiner failed to establish a prima facie case of obviousness.

Third, the inventions claimed in claims 1, 18, 29-43 and 47-49, as a whole, are nonobvious over the prior art.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698

(Fed. Cir. 1983).

“[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the ‘subject matter as a whole’ which should always be considered in determining the obviousness of an invention under 35 U.S.C. § 103.” *In re Spinnoble*, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969).

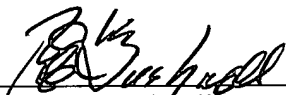
The present invention is directed to an apparatus or a method for correcting a false contour. That is, the present invention recognizes a false contour problem and provides a solution for the false contour. On the other hand, Hong ‘063 combined with Kunihiro does not recognize this problem and does not provide a solution. This should be considered in determining the obviousness of an invention. The applicant also notes that “discovery of the cause of a problem . . . does not always result in a patentable invention. . . . [A] different situation exists where the solution is obvious from prior art which contains the same solution for a similar problem.” *In re Wiseman*, 596 F.2d 1019, 1022, 201 USPQ 658, 661 (CCPA 1979) (emphasis in original). However, the present case is different from *Wiseman*. Unlike *Wiseman*, neither Hong ‘063 nor Kunihiro does not recognize a similar problem and the order of the data of the segment electrode is not the same as the order of the color signal. That is, Hong ‘063 combined with Kunihiro does provide neither the similar problem nor the same solution. Accordingly, *Wiseman* cannot be applied to this case.

Since the claims 1, 18, 29-43 and 47-49 as a whole are nonobvious, withdrawal of the rejection is respectfully requested.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this amendment. Should the other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,


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